

By Senator Ring

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1 A bill to be entitled
 2 An act relating to out-of-network physician charges;
 3 amending s. 381.026, F.S., relating to the Florida
 4 Patient's Bill of Rights and Responsibilities;
 5 providing that a patient is responsible for reviewing
 6 a document informing the patient that he or she may be
 7 charged for out-of-network physician services;
 8 amending s. 395.301, F.S.; requiring a patient of a
 9 licensed facility to be presented with a document
 10 regarding charges for out-of-network physician
 11 services; providing an effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:

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 15 Section 1. Subsection (6) of section 381.026, Florida
 16 Statutes, is amended to read:

17 381.026 Florida Patient's Bill of Rights and
 18 Responsibilities.—

19 (6) SUMMARY OF RIGHTS AND RESPONSIBILITIES.—A ~~Any~~ health
 20 care provider who treats a patient in an office or any health
 21 care facility licensed under chapter 395 which ~~that~~ provides
 22 emergency services and care or outpatient services and care to a
 23 patient, or admits and treats a patient, shall adopt and make
 24 available to the patient, in writing, a statement of the rights
 25 and responsibilities of patients, including the following:

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 27 SUMMARY OF THE FLORIDA PATIENT'S BILL
 28 OF RIGHTS AND RESPONSIBILITIES

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30 Florida law requires that your health care provider or
31 health care facility recognize your rights while you are
32 receiving medical care and that you respect the health care
33 provider's or health care facility's right to expect certain
34 behavior on the part of patients. You may request a copy of the
35 full text of this law from your health care provider or health
36 care facility. A summary of your rights and responsibilities
37 follows:

38 A patient has the right to be treated with courtesy and
39 respect, with appreciation of his or her individual dignity, and
40 with protection of his or her need for privacy.

41 A patient has the right to a prompt and reasonable response
42 to questions and requests.

43 A patient has the right to know who is providing medical
44 services and who is responsible for his or her care.

45 A patient has the right to know what patient support
46 services are available, including whether an interpreter is
47 available if he or she does not speak English.

48 A patient has the right to know what rules and regulations
49 apply to his or her conduct.

50 A patient has the right to be given by the health care
51 provider information concerning diagnosis, planned course of
52 treatment, alternatives, risks, and prognosis.

53 A patient has the right to refuse any treatment, except as
54 otherwise provided by law.

55 A patient has the right to be given, upon request, full
56 information and necessary counseling on the availability of
57 known financial resources for his or her care.

58 A patient who is eligible for Medicare has the right to

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59 know, upon request and in advance of treatment, whether the
60 health care provider or health care facility accepts the
61 Medicare assignment rate.

62 A patient has the right to receive, upon request, prior to
63 treatment, a reasonable estimate of charges for medical care.

64 A patient has the right to receive a copy of a reasonably
65 clear and understandable, itemized bill and, upon request, to
66 have the charges explained.

67 A patient has the right to impartial access to medical
68 treatment or accommodations, regardless of race, national
69 origin, religion, handicap, or source of payment.

70 A patient has the right to treatment for an ~~any~~ emergency
71 medical condition that will deteriorate from failure to provide
72 treatment.

73 A patient has the right to know if medical treatment is for
74 purposes of experimental research and to give his or her consent
75 or refusal to participate in such experimental research.

76 A patient has the right to express grievances regarding a
77 ~~any~~ violation of his or her rights, as stated in Florida law,
78 through the grievance procedure of the health care provider or
79 health care facility that ~~which~~ served him or her and to the
80 appropriate state licensing agency.

81 A patient is responsible for providing to the health care
82 provider, to the best of his or her knowledge, accurate and
83 complete information about present complaints, past illnesses,
84 hospitalizations, medications, and other matters relating to his
85 or her health.

86 A patient is responsible for reporting unexpected changes
87 in his or her condition to the health care provider.

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88 A patient is responsible for reporting to the health care
89 provider whether he or she comprehends a contemplated course of
90 action and what is expected of him or her.

91 A patient is responsible for following the treatment plan
92 recommended by the health care provider.

93 A patient is responsible for keeping appointments and, when
94 he or she is unable to do so for any reason, for notifying the
95 health care provider or health care facility.

96 A patient is responsible for his or her actions if he or
97 she refuses treatment or does not follow the health care
98 provider's instructions.

99 A patient is responsible for reviewing a document presented
100 upon admission for treatment informing the patient that he or
101 she may be charged for out-of-network physician services.

102 A patient is responsible for assuring that the financial
103 obligations of his or her health care are fulfilled as promptly
104 as possible.

105 A patient is responsible for following health care facility
106 rules and regulations affecting patient care and conduct.

107 Section 2. Subsection (5) of section 395.301, Florida
108 Statutes, is amended to read:

109 395.301 Itemized patient bill; form and content prescribed
110 by the agency.—

111 (5) In ~~any~~ billing for services subsequent to the initial
112 billing for such services, the patient, or the patient's
113 survivor or legal guardian, may elect, at his or her option, to
114 receive a copy of the detailed statement of specific services
115 received and expenses incurred for each such item of service as
116 provided in subsection (1). Before services are rendered, a

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117 patient shall be presented with a document informing the patient
118 that he or she may be charged for out-of-network physician
119 services. The patient may sign the document, thereby indicating
120 that he or she has reviewed the information contained therein,
121 or, if the patient declines to sign, the licensed facility
122 employee who presents the document to the patient may sign the
123 document to verify that the patient was presented with the
124 information.

125 Section 3. This act shall take effect January 1, 2015.